

REMARKS

Claims 1, 5, 19, 23, 28, 32 and 36 are pending and under consideration. Claims 2-4, 6-18, 20-22, 24-27, 29-31, 33-35, and 37-41 are cancelled in this submission.

A. Restriction Requirement

The Office Action required restriction under 35 U.S.C. §121 and §372. Specifically, Applicant is required to elect a single invention from Groups I-IV:

Group I: Claims 1-10, 24, and 37-41, drawn to a fluvastatin-containing tablet comprising carmellose calcium as a disintegrating agent;

Group II: Claims 1-3, 11,-14, 16, 17, 20, 21, 25, 26, 29, 30 and 33, drawn to a fluvastatin-containing tablet comprising carmellose calcium as a disintegrating agent and further comprising a pharmaceutically acceptable alkaline medium;

Group III: Claims 1, 4, 15, 18, 22, 27, 30, 31, and 35, drawn to a fluvastatin-containing tablet comprising carmellose calcium as a disintegrating agent and further comprising crystalline cellulose as a diluent; and

Group IV: Claims 1, 5, 19, 23, 28, 32, and 36, drawn to a fluvastatin-containing tablet comprising carmellose calcium as a disintegrating agent and further comprising a coating applied thereon.

Applicants hereby elect Group IV, without traverse.

Applicants have cancelled the non-elected claims.

B. Election of Species

The Office Action also required Applicants to elect a distinct species of the generic invention. Specifically, the species for Group IV formulations are:

- the formulation of claim 19, or
- the formulation of claim 23, or
- the formulation of claim 28, or
- the formulation of claim 32.

Applicants hereby elect the formulation of claim 28.

Claims encompassing the elected species/invention are claims 1, 5, and 36.

In view of the above, Applicant submits that the application is now in condition for examination on merit.

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Respectfully submitted,

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